

ORDINANCE No. 2008-14-150

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY THE CITY OF NORTH MIAMI BEACH FOR THE REZONING OF PROPERTY GENERALLY LOCATED AT 19150 NORTHWEST 8TH AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO FROM RU-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO GP, GOVERNMENT PROPERTY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach ("Applicant") owns certain property located at 19150 Northwest 8th Avenue, more particularly described on Exhibit "A" attached hereto ("Property"), and

WHEREAS, the Applicant seeks approval to rezone the property from RU-1, Single Family Residential District to GP, Government Property District, and

WHEREAS, the City Council has held a public hearing on the application on February 6, 2008, and

WHEREAS, the City's Planning and Zoning staff has made a determination that the Application is consistent with the Comprehensive Development Master Plan and recommends approval of the Application subject to certain conditions, and

WHEREAS, the City Council has considered the testimony of the Applicant, if any, and

WHEREAS, the City Council has also considered the testimony of the City's Planning and Zoning Staff and the Staff Report attached hereto as Exhibit "B" and incorporated herein by reference,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. APPROVAL: The City Council of the City of Miami Gardens hereby approves the application submitted by the Applicant for the rezoning of property generally located at 19150 Northwest 8th Avenue, more particularly described on Exhibit "A" attached hereto from RU-1 Single Family Residential District to GP, Government Property.

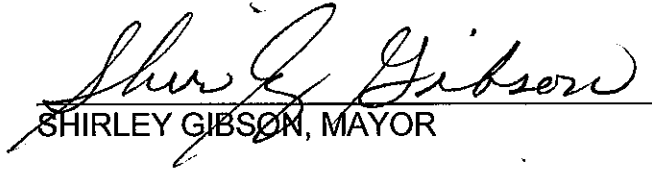
SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 5TH DAY OF MARCH, 2008.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 2nd DAY OF APRIL 2008.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Councilman Williams
SECONDED BY: Councilman Bratton

VOTE: 5-0

Mayor Shirley Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Barbara Watson	<u> </u> (Yes)	<u> </u> (No) Out of town
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> </u> (No) Not present
Councilman André Williams	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert III	<u> x </u> (Yes)	<u> </u> (No)

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City of Miami Gardens

1515 NW 167th Street
Miami Gardens, Florida 33169



Mayor Shirley Gibson
Vice-Mayor Barbara Watson
Councilman Oscar Braynon II
Councilman Melvin L. Bratton
Councilman Aaron Campbell Jr.
Councilwoman Sharon Pritchett
Councilman André Williams

Agenda Cover Page – Norwood Water Treatment Plant Rezoning
PH-2007-000022
(Second Reading)

Date: April 2, 2008

Fiscal Impact: No ☒ Yes ☐

(If yes, explain in Staff Summary)

Funding Source:

Contract/P.O. Requirement: Yes ☐ No ☒

Public hearing ☒

Quasi-Judicial ☒

Ordinance ☒ Resolution ☐

1st Reading ☐

2nd Reading ☒

Advertising requirement: Yes ☒ No ☐

Sponsor Name/Department: City Manager via Planning and Zoning

ORDINANCE NO. 2007 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY THE CITY OF NORTH MIAMI BEACH FOR THE REZONING OF PROPERTY GENERALLY LOCATED AT 19150 NORTHWEST 8TH AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO FROM RU-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO GP, GOVERNMENT PROPERTY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

This Ordinance was deferred from the February 6, 2008 City Council Zoning meeting to allow the residents of the area to meet with the staff of North Miami Beach and staff of the City of Miami Gardens to discuss and review the proposed development plans and voice their concerns.

A meeting was held on Wednesday February 13, 2008 coordinated by the Planning and Zoning staff and chaired by Vice Mayor Barbara Watson. There were 11 residents in attendance along with the Deputy City Manager of the City of North Miami Beach and

**9-B) ORDINANCE
SECOND READING
APPROVING THE APPLICATION
SUBMITTED BY NORTH MIAMI BEACH**

several of the City staff. The residents were given an opportunity to voice their concerns and the City of North Miami Beach was given an opportunity to explain the project, provide information on filing a claim for damages, and to address questions from the residents. The City of North Miami Beach has provided a copy of all claims made against the construction of the project and the settlements and/or conclusions. Staff has these claims available for examination at the request of the Council.

The Ordinance was approved at First Reading on March 5, 2008 by a vote of 6-0.

Attachments:

Ordinance
Exhibit "A" Legal Description
Exhibit "B" Staff Recommendation

Exhibit "A" Legal Description

Lots 1 through 6 Block 24, and Lots 1,2,3, 5, 6, and 24 through 29, Block 25 of NORWOOD 2nd ADDITION, according to the plat thereof as recorded in Plat Book 53, at Page 63, of the Public Records of Miami-Dade County, Florida.

AND:

A portion of NW 8th Avenue, lying South of NW 194th Terrace, as shown on the plat of NORWOOD 2nd ADDITION as recorded in Plat Book 53 at Page 63 and NORWOOD WATER TREATMENT PLANT as recorded in Plat Book 159 at Page 66, both plats being of the Public Records of Miami-Dade County, Florida, and being more particularly described as follows.

Commence at the Northeast corner of Lot 1, Block 24 of said NORWOOD 2nd ADDITION, thence S89°43'44"W along the North line of said Lot 1, Block 24, for 80.10 feet to the Point of Beginning of the hereinafter described parcel of land, also being a point of curvature concave to the Southeast; thence Southwesterly along the right of way line of said NW 8th Avenue, being a 25.00 foot radius curve leading to the left through a central angle of 89°43'41" for an arc distance of 39.15 feet to a point of tangency; thence S00°00'03"W along the East right-of-way line of said NW 8th Avenue, for 465.65 feet to a point of curvature concave to the Northeast; the following three (3) courses being along the exterior right of way line of NW 8th Avenue as shown on said NORWOOD WATER TREATMENT PLANT, (1) thence Southeasterly along a 25.00 foot radius curve leading to the left through a central angle of 48°11'23" for an arc distance of 21.03 feet to a point of reverse curvature; (2) thence Southerly, Westerly and Northerly along a 50.00 foot radius curve leading to the right through a central angle of 276°22'46" for an arc distance of 241.19 feet to a point of reverse curvature; (3) thence Northeasterly along a 25.00 foot radius curve leading to the left through a central angle of 48°11'23" for an arc distance of 21.03 feet to a point of tangency; thence N00°00'03"E along the West right of way line of NW 8th Avenue as shown on said NORWOOD 2nd ADDITION, for 465.18 feet to a point of curvature concave to the Southwest; thence Northwesterly along said West right of way line being a 25.00 foot radius curve leading to the left through a central angle of 90°16'19" for an arc distance of 39.39 feet to a point of cusp; thence N89°43'44"E along the South right-of-way line of NW 194th Terrace, for 100.00 feet to the Point of Beginning.

STAFF RECOMMENDATION
PH-2007-000022 City of North Miami Beach
Norwood Water Treatment Plant Extension Phase II
(Second Reading)

APPLICATION INFORMATION

Applicant: City of North Miami Beach
Owner: City of North Miami Beach
Project Name: Norwood Water Treatment Plant Extension Phase II
Site Location: 19150 N.W. 8th Avenue
Property Size: ± 4.05 Acres (17 single-family residential lots)
Future Land Use: Neighborhood
Existing Zoning: RU-1, Single Family Residential District
Requested Action(s):
1. DISTRICT BOUNDARY CHANGE from RU-1, Single-Family Residential District to GP, Government Property. (Section 33-284.22)

RECOMMENDATION

Recommend approval of the Ordinance for a district boundary change from RU-1, Single-Family Residential District to GP, Government Property.

REVIEW AND ANALYSIS

Neighborhood Land Use Characteristics

Property	Zoning District	Existing Use	Future Land Use Map
Site	RU-1, Single-Family Residential	Vacant	Neighborhood
North	RU-1, Single-Family Residential	Single-Family Residences	Neighborhood
South	GP, Government Property	Norwood Water Treatment Plant	Neighborhood
East	RU-1, Single-Family Residential	Single-Family Residences	Neighborhood
West	RU-1, Single-Family Residential	Norland Senior High School & S-F Homes	Neighborhood

The seventeen (17) lots proposed to be rezoned are vacant. The areas lying north and east of the subject lots are developed with single-family residences. Norland Senior High School is located west of these lots, across from N.W. 8th Avenue. Lot 4 on N.W. 8th Court is not part of this application and is proposed to remain as a single family residence. The existing water plant facility is located to the south of the subject property.

Project/Background Information

1. The existing Norwood Water Treatment Plant is owned and operated by the City of North Miami Beach. The City of North Miami Beach also own the subject properties proposed for the expansion of the water plant.

2. The district boundary change will permit the water plant use by right in the GP district, eliminating the need to request an unusual use for future improvements.
3. The expansion of the water plant facility is part of the Water Improvement Program to meet improved finished water-quality standards anticipated from future federal and state water regulations.
4. As per plans submitted, the existing single-family residential structures will be demolished for the construction of a 5.0 MG ground storage reservoir 155'-11" in diameter and 46.5' in height, a Floridian well, as well as two (2) dry retention areas measuring 25,825 and 29,600 square feet, will be constructed.
5. The site will be enclosed with an eight (8.0) feet high CBS wall, and iron gates at the entranceways. The proposed wall and gates will have decorative columns and caps compatible with the architectural aesthetics of the residential neighborhood.
6. The proposed wall along N.W. 8th Court and N.W. 194 Terrace will be spaced 25.0' from the property line allowing for a publicly accessible, densely landscaped linear park with meandering sidewalks along the perimeter of the site.
7. At the second reading of the district boundary change, the applicant will be also have to request the following approvals for the development of the property:
 - a. A non-use variance of the proposed eight (8) foot high wall.
 - b. A non-use variance for the 46.5' high building.
 - c. A deletion of previously approved Declaration of Restrictions, and proffer a new Declaration of Restrictive Covenants for the entire water plant property.
 - d. Tentative Plat approval to replat the property and vacate a portion of N.W. 8th Avenue.
8. GP, Government Property specifically allows the following uses:

"Sec. 33-284.22. Uses permitted.

- (a) No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in a GP District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:*
- (1) Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses;*
 - (2) Fire stations;*
 - (3) Police stations;*
 - (4) Public auto inspection stations;*
 - (5) Public water and sewer treatment and distribution facilities;*
 - (6) Public libraries;*
 - (7) Public buildings and centers;*
 - (8) Public hospitals, nursing homes and health facilities;*
 - (9) Public auditoriums, arenas, museums, art galleries;*
 - (10) Maximum and minimum detention facilities;*

- (11) Solid waste collection and disposal facilities;
 - (12) Public maintenance and equipment yards;
 - (13) Public bus stations and rapid transit stations and facilities;
 - (14) Public airports, including those particular uses allowed under the applicable airport zoning regulations;
 - (15) And other similar governmental uses.
- (Ord. No. 76-36, § 1, 4-20-76; Ord. No. 99-164, § 1, 12-7-99; Ord. No. 06-20, § 1, 2-7-06)"

Zoning History

There is a conditional use permit issued January 17, 2008 by the City of Miami Gardens to the City of North Miami Beach allowing various uses typically not permitted on RU-1 zoned property, subject to the rezoning to GP. (see attachment).

Comprehensive Development Master Plan (CDMP)

Paragraph 3 of the Statement of Legislative Intent in the Comprehensive Development Master Plan states as follows:

"The City Council recognizes that any application for development approval may bring into conflict and necessitate a choice between different goals, objectives, policies, priorities, and provisions of the Plan. While it is the intent of the City Council that the Future Land Use Element be afforded a high priority, other elements must be taken into consideration given the City Council's responsibility to provide for the multitude of needs of the City's growing and diverse community. Recognizing that the City Council and City agencies will be required to balance competing goals, objectives, and policies of this Plan, the primary intention of the Plan is to protect the public health, safety and welfare."

The subject lots are located in an area that is designated Neighborhood on the adopted 2006-2016 Land Use Plan (LUP) Map of the Future Land Use Element (FLUE) of the Comprehensive Development Master Plan (CDMP) of the City of Miami Gardens.

Policy 1.1.4 of the Future Land Use Plan Element provides for Public and Semi-Public Uses in All Areas of the City.

Objective 2.2 states:

"The Land Development Regulations/Zoning Code shall include performance criteria to ensure that public and semi-public uses, such as utilities, schools, parks, and other similar uses, occur in a manner that benefit the City residents and minimizes impacts on adjacent properties"

Furthermore, Policy 2.2.1 *Public and Semi-Public Uses, In General* states:

"Public and semi-public uses and facilities include a range of unusual and special activities that shall be specifically identified and regulated through the City's land development regulations.

- *Public/Semi-public uses are allowed in any of the future land use categories, subject to intensity, buffering, and location standards.*
- *The development intensity of public/semi-public uses shall not exceed a maximum of 0.5 floor area ratio.*
- *Public and semi-public uses include facilities such as elementary, middle, high schools, parks, houses of worship, hospitals, and utilities"*

The district boundary change from RU-1 to GP will allow the expansion of the existing Norwood Water Treatment Plant, allowing for the City of North Miami Beach in its' Water Improvement Program to meet improved finished water-quality standards anticipated from future federal and state water regulations. The linear park with the meandering sidewalks and dense landscaping along with the eight (8.0) feet high wall will adequately buffer and screen the water plant, minimizing the impact on adjacent properties.

Conclusion:

The proposed rezoning from RU-1, Single Family Residential to GP, Government Property will allow the expansion of the existing Norwood Water Treatment Plant consistent with the intent of the GP zoning district, while being a benefit to all City residents by allowing the continued and necessary provision of portable water with minimal impacts on the adjacent residential properties. The district boundary change is therefore consistent with the Goals, Objectives and Policies of the Future Land Use Element of the City's Comprehensive Development Master Plan.

Analysis and Zoning Criteria:

In accordance with Section 33-311(A)(8) of the Zoning Code which states:

"(8) Hear and grant or deny applications for district boundary changes on individual pieces of property or on a neighborhood or area-wide basis except where the Board of County Commissioners has direct jurisdiction."

The City Council has the authority to hear and grant or deny applications for zoning district boundary changes. In evaluating an application for a district boundary changes, the Council shall take into consideration, among other factors, Section 33-311 (F), which states in pertinent terms:

"F) Detriments or benefits shall not be denied consideration on the grounds that, they are indirect, intangible or not readily quantifiable. In evaluating the application, among other factors related to the general welfare, whether, and the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for "City of Miami Gardens", Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;*
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of "City of Miami Gardens", including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;*
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of "City of Miami Gardens";*
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;*
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways."*

The district boundary change from RU-1 to GP is a logical extension of the existing GP zoning designation on the water plant property to the south, and will allow for the expansion of the water plant in compliance with the pertinent factors listed above without detrimental impacts to the surrounding area.

Anticipated Facilities Impact

General: Concurrency determinations are not finalized during the zoning approval process.

Traffic Circulation: Access to the water treatment facility will be from N.W. 8th Avenue. No average vehicle trips generation increase is expected from this rezoning.

Public Notification/Comments

In accordance with the Zoning Code, notification of this rezoning request was mailed to property owners within half a mile ($\frac{1}{2}$) of the subject site to provide them an opportunity to comment on or object the application if they so choose. No comments were received from any of the property owners within that radius. (See Mailed Notice Radius Map, attached).

NOTE: This recommendation to approve this application shall not be construed to be a development order.

Attachments:

- Public Hearing Checklist
- Letter Of Intent
- Hearing Map-Zoning